

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
)	
)	
THIS DOCUMENT RELATES TO:)	MDL No. 1456
)	Civil Action No. 01-12257-PBS
<i>US ex rel. Ven-a-Care of the Florida Keys,</i>)	
<i>Inc., v. Abbott Laboratories, Inc.</i>)	Hon. Patti B. Saris
NO. 07-CV-11618-PBS)	
)	
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**AUGUST 1, 2009 STATUS REPORT
OF THE RELATOR, VEN-A-CARE OF THE FLORIDA KEYS**

The Relator, Ven-A-Care of the Florida Keys, Inc. ("Ven-A-Care" or the "Relator"), through its undersigned counsel respectfully files this Status Report for August 1, 2009 in accordance with the Court's June 17, 2004 Procedural Order and states:

Motion to Dismiss

On March 14, 2008, the Court denied Abbott's Motion to Dismiss Ven-A-Care's Complaint. Abbott sought an appeal of this decision. On July 15, 2008, the Court denied Abbott's Request for Certification Pursuant to § 1292(b) and Stay of Discovery.

Case Management Order

On September 2, 2008 the Court entered a Case Management Order in this case. The parties completed fact and expert discovery in accordance with this Order. The parties will participate in summary judgment proceedings scheduled by the Court later this year.

Scheduled Hearings

None

The parties completed fact and expert discovery in accordance with this Order. On

Pending Motions

On July 16, 2009 the parties filed a Joint Motion to Set Revised, Agreed Upon Briefing Schedule. This Motion sought to align the summary judgment and other motion briefing schedule in this case with those corresponding motions pending in the other case brought by Ven-a-Care against Abbott in which the United States has intervened. The parties agreed Motions shall be due August 21, 2009 with corresponding response and reply dates to follow.

Pending Discovery

None.

Dated: August 3, 2009

Respectfully submitted,

/s/ Jarrett Anderson

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For Ven-A-Care of the Florida Keys, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above **PLAINTIFF VEN-A-CARE OF THE FLORIDA KEYS, INC.'S, AUGUST 1, 2009 MONTHLY STATUS REPORT** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No.2 by sending a copy to Lexis Nexis File and Serve for posting and notification to all parties.

/s/ Jarrett Anderson

Dated: August 3, 2009